

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA)
)
 v.) Criminal No. 08-372
)
TROY ALLAN MARTIN)

**DEFENDANT TROY ALLAN MARTIN'S MOTION
TO CONTINUE TRIAL AND TRIAL RELATED DATES**

Defendant Troy Allan Martin ("Mr. Martin"), through his counsel, Assistant Federal Public Defender Markéta Sims, respectfully moves the Court to continue the trial, scheduled to commence May 26, 2009, and the due date for proposed voir dire and points for charge, for thirty days. In support thereof, counsel states as follows.

1. On May 11, 2009, the United States Attorney approved Mr. Martin for participation in the Pretrial Diversion Program. Now that the United States Attorney has approved Mr. Martin's participation in the program, he must still be interviewed by Pretrial Services, and a brief background check conducted. It is not anticipated that this will be a lengthy or difficult process, as Mr. Martin does not have a criminal record. Accordingly, it is anticipated that Pretrial Services will be able to complete the background investigation within thirty days.

2. Accordingly, both counsel are seeking a brief continuance of the re-scheduled trial date to allow completion of the Pretrial Services background check and signing of the Pretrial Diversion agreement.

3. Additionally, defense counsel was previously scheduled to attend training at the National Federal Defender Conference from May 26, 2009 returning to the office June 1, 2009. Defense counsel also previously made arrangements for her mother to fly from San Francisco, California to Minneapolis, Minnesota to join counsel for the latter half of the conference and the weekend.

4. The Federal Defender's Office is also moving from its present location on the 14th Floor of Liberty Center to the 15th Floor over the course of the week of May 26th, with the actual move presently scheduled to occur Friday, May 29th and Monday, June 1. It is anticipated that access to telephones, computers, office space and support staff, will be limited or unavailable during large parts of the week of May 26th and June 1, due to the move, making it very difficult to be in trial during this period.

5. Government counsel has also advised defense counsel that he purchased non-refundable tickets to fly to Colorado for vacation May 28, 2009, returning May 31, 2009.

6. In light of the United States Attorneys' approval of Mr. Martin for participation in the Pretrial Diversion Program, it does not appear that a trial will be necessary in this case.

7. Accordingly, Government counsel does not oppose this request for a thirty day continuance of the re-scheduled trial date.

WHEREFORE, Defendant Troy Allan Martin respectfully moves the Court to continue the trial date and the due date for proposed voir dire and points for charge for thirty days.

Respectfully submitted,

s/ Markéta Sims
Markéta Sims
Assistant Federal Public Defender
Attorney Pa. I.D. No. 66325